

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES A. BOYD,

Plaintiff,

v.

SUPT. VAN BOENING., *et al.*,

Defendants.

Case No. C07-5599 FDB/KLS

ORDER TO SHOW CAUSE RE  
FILING OF FIRST AMENDED  
COMPLAINT

Before the Court is Plaintiff's proposed First Amended Complaint. (Dkt. # 19). Upon review, the Court finds that Plaintiff must show cause why the First Amended Complaint should not be dismissed.

**BACKGROUND**

On February 25, 2008, Plaintiff was granted leave to proceed *in forma pauperis*. (Dkt. # 16). On that same day, Plaintiff's Complaint against Defendants Van Boening and Chaplain Suss was filed. (Dkt. # 17). Attached to Plaintiff's Complaint are exhibits numbered one through eleven, and a Declaration marked Attachment B. *Id.* Plaintiff alleges Defendants interfered with his ability to practice his religion, in violation of his First, Fourteenth, and Eighth Amendment rights, in addition to various state constitutional and institutional policies. *Id.*, p. 5. On February 25, 2008, the Court ordered the U.S. Marshal to serve the Complaint on Defendants. (Dkt. # 18).

On March 6, 2008, Plaintiff submitted the "First Amended" Complaint (Dkt.# 19) at issue. In general, the "First Amended" Complaint appears to contain the same parties and causes of action. The "First Amended" Complaint references exhibits but no exhibits were provided with the "First Amended"

1 Complaint. In addition, the Plaintiff failed to provide the court with service forms. *Id.*, p. 17.

## 2 DISCUSSION


3 Pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 15(a), "[a] party may amend  
4 the party's pleading once as a matter of course at any time before a responsive pleading is served."  
5 However, Plaintiff is advised that an amended pleading operates as a complete substitute for an original  
6 pleading. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9<sup>th</sup> Cir. 1992) (citing *Hal Roach Studios, Inc. v.*  
7 *Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9<sup>th</sup> Cir. 1990) (as amended). Therefore, Plaintiff's Amended  
8 Complaint must include all parties, factual allegations, causes of action, relief sought, and exhibits. The  
9 Court will not accept supplements to or references to earlier filings, such as references to exhibits  
10 attached to Plaintiff's earlier complaint, as part of any amended pleading.

11 In addition, as no party has entered an appearance in this action, the amended pleading must be  
12 served through the U.S. Marshal service. Therefore, Plaintiff must provide completed marshal forms for  
13 each named defendant for whom he desires service of the amended complaint.

14 Accordingly, it is **ORDERED**:

- 15 1. If Plaintiff wishes to proceed with his First Amended Complaint, he must provide the  
16 Court with the proper exhibits (for the pleading filed and each service copy) and completed  
17 marshal forms. These documents should be provided on or before **April 11, 2008**. If  
18 Plaintiff fails to provide the required documents within the time provided or a response  
19 why he cannot do so, the Court will enter a report and recommendation that the First  
20 Amended Complaint be dismissed and this action will proceed under Plaintiff's original  
21 Complaint;
- 22 2. The Clerk is directed to send a copy of this Order to Plaintiff.

23  
24 DATED this 17th day of March, 2008.

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28 Karen L. Strombom  
United States Magistrate Judge